

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SURJET SINGH,) Case No. SACV 14-0619-UA (DUTYx)
Plaintiff,)
vs.) ORDER SUMMARILY REMANDING
ANNA M. BAEZ PADILLA et) IMPROPERLY REMOVED ACTION
al.,)
Defendants.)

The Court hereby summarily remands this unlawful-detainer action to state court because Defendant Anna M. Baez Padilla removed it improperly.

On April 18, 2014, Defendant, having been sued in a routine unlawful-detainer action in California state court, lodged a Notice of Removal of that action to this Court and also presented an application to proceed in forma pauperis. The Court has denied the latter under separate cover because the action was not properly removed. The Court also issues this order remanding the action to state court to prevent it from remaining in jurisdictional limbo. Remand is necessary because Plaintiff could not have brought this action in federal court in the first

1 place, and Defendant does not competently allege facts supplying
2 either diversity or federal-question jurisdiction. Therefore,
3 Defendant's removal is improper. 28 U.S.C. § 1441(a); see Exxon
4 Mobil Corp. v. Allapattah Servs., Inc., 545 U.S. 546, 563, 125 S.
5 Ct. 2611, 2623, 162 L. Ed. 2d 502 (2005).

6 Even if complete diversity of citizenship exists, the amount
7 in controversy does not exceed the diversity-jurisdiction
8 threshold of \$75,000. See 28 U.S.C. §§ 1332, 1441(b). On the
9 contrary, the unlawful-detainer Complaint indicates that the
10 amount in controversy "does not exceed \$10,000" (Compl. at 1),
11 and Plaintiff requests past-due rent of \$5795 and actual damages
12 of \$76.66 a day from March 1, 2014, through the date of entry of
13 judgment (id. at 3).

14 Plaintiff's unlawful-detainer action also fails to raise any
15 federal legal question. See 28 U.S.C. §§ 1331, 1441(a). To the
16 extent Defendant asserts that federal-question jurisdiction
17 exists because she plans to assert some sort of defense under the
18 federal Fair Housing Act, 42 U.S.C. § 3604 (see Notice of Removal
19 at P2-P3) or the Protecting Tenants at Foreclosure Act, 12 U.S.C.
20 § 5220 (see Notice of Removal at 2-3), it is well established
21 that a suit "arises under" federal law within the meaning of
22 § 1331 "only when the plaintiff's statement of his own cause of
23 action shows that it is based upon federal law." Vaden v.
24 Discover Bank, 556 U.S. 49, 60, 12 S. Ct. 1262, 1272, 173 L. Ed.
25 2d 206 (2009) (alteration and internal quotation marks omitted).
26 Federal jurisdiction "cannot be predicated on an actual or
27 anticipated defense," nor can it rest upon "an actual or
28 anticipated counterclaim." Id. Because the Complaint on its

1 face alleges only an unlawful-detainer action under state law, no
2 basis for federal-question jurisdiction exists. See HSBC Bank
3 USA, N.A. v. Bryant, No. 09-CV-1659-IEG (POR), 2009 WL 3787195,
4 at *3 (S.D. Cal. Nov. 10, 2009) (remanding unlawful-detainer
5 action because "no basis for 'federal question' jurisdiction"
6 existed despite defendant's assertion of federal counterclaims).

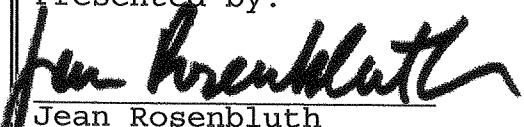
7 Accordingly, IT IS ORDERED that (1) this matter be REMANDED
8 to the Orange County Superior Court, North Justice Center, 1275
9 N. Berkeley Avenue, Fullerton, California 92838, for lack of
10 subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2)
11 the Clerk send a certified copy of this Order to the state court;
12 and (3) the Clerk serve copies of it on the parties.

13
14 DATED: 4/27/14



GEORGE H. KING
CHIEF U.S. DISTRICT JUDGE

15 Presented by:

16 
17 Jean Rosenbluth
18 U.S. Magistrate Judge
19
20
21
22
23
24
25
26
27
28